

#59
Order
11/18/04
GCS

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

In re HISASHI YAMAGISHI et al.)
Application 08/898,853)
Filed: July 25, 1997)

Appeal No. 2004-1203

MAILED

NOV 18 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for November 18, 2004. The notice setting the hearing was mailed to counsel on August 26, 2004 (Paper No. 56). The date counsel received the notice is not apparent from the record. Counsel had confirmed attendance at the hearing on September 14, 2004 (Paper No. 57). On November 8, 2004, a facsimile letter was received (Paper No. 58) wherein counsel requested that the oral hearing be rescheduled. The request has been granted.

According to counsel:

[Applicants] respectfully [request] that the Oral Hearing presently schedule[d] for November 18, 2004 be postpone[d] due to the need for [counsel to be] out of the country.

On September 14, 2004, ... counsel prepared and filed Confirmation of Attendance At Oral Hearing,


confirming the Oral Hearing date.... However, subsequent to this submission confirming [the] date, ... [counsel] is required to travel out of the country for a business meeting. [C]ounsel cannot cancel or postpone this business meeting, as it involves many other attendees.

In addition, [counsel] is unable to find other counsel to attend the Oral Hearing on the [applicants'] behalf. [Counsel] has served as counsel for the [applicants] in this matter for the past several years. [Counsel] is the only person familiar with the issues on appeal.... Thus, another attorney with the same firm cannot be present at and argue the Oral Hearing.

For the reasons given above, it is

Ordered that the request to reschedule the hearing to a date after November 18, 2004, is granted, and that a new date for the oral hearing will be sent to applicant.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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